

4. ENVIRONMENTAL COMMITMENTS BY THE PUEBLO OF SANDIA

All applicable permits would be obtained prior to implementation of the project.

- Section 401 of the CWA (CWA; 33 U.S.C. 1251 et seq., as amended) requires applicants for Section 404 authorization to obtain water quality certification prior to initiating construction. This authority rests with, and would be carried out in the proper sequence by the Pueblo of Sandia. Initial conversations with the Army Corps of Engineers have indicated that a 404 Permit would not be required, as most of the work would take place above the OHWM. While coordinating closely with contractors, the Pueblo of Sandia would be responsible for meeting the conditions of these permits, and would use best management practices and avoidance by design, to prevent or minimize effects to water resources.
- Minimal disturbance would occur to the bankline, as most of the project would occur outside the Ordinary High Water Mark of the Rio Grande.
- During construction, desirable native vegetation already established on site would be preserved whenever possible.
- ESA compliance would be addressed through consultation with the USFWS regarding potential impacts to threatened and endangered species. Best management practices would be enforced to minimize potential impacts to willow flycatcher or other listed species. Consultation with the USFWS would determine the most effective best management practices.
- The Pueblo of Sandia is committed to monitoring the habitat restoration projects for one year to document changes in site conditions and the presence of various fish species using the habitat. The Pueblo of Sandia would be responsible for notifying the USFWS if they find silvery minnows using the constructed channel or other habitat features, or in the event that isolated habitats form in the channel.
- To protect aquatic habitat from spills or contamination, hydraulic lines would be protected from punctures. In addition, all fueling would take place outside the active floodplain, and all equipment would undergo high-pressure spray cleaning and inspection prior to operation. Equipment would be parked on pre-determined locations on high ground away from the project area overnight.
- The Pueblo of Sandia would seek to avoid impacts to birds protected by the Migratory Bird Treaty Act (16 U.S.C. 703) by scheduling construction outside of the normal bird breeding and nesting season (approximately April 15 to August 15) for most avian species, or conduct preconstruction breeding surveys and monitoring nests during construction. In this case, nests would be marked and those trees protected until after the birds have fledged. Nests would continue to be monitored twice weekly during the time heavy equipment is being operated, and close coordination would occur between the equipment operators and Sandia Environmental Staff to reduce the possibility of destroying nests. The USFWS would be consulted if bird nests were found.

- The Pueblo of Sandia would comply with Section 106 of the National Historic Preservation Act as administered by the New Mexico State Historic Preservation Office. Should evidence of possible scientific, prehistorical, historical, or archaeological data be discovered during the course of this action, work shall cease at that location and the Reclamation Albuquerque Area Office Archaeologist shall be notified by telephone immediately with the location and nature of the findings. Care shall be exercised so as not to disturb or damage artifacts or fossils uncovered during operations, and the proponent shall provide such cooperation and assistance as may be necessary to preserve the findings for removal or other disposition by the government. TCPs would be evaluated as part of this process.

5. CONSULTATION AND COORDINATION

The USFWS has been notified about the Proposed Action and would make the determination concerning project impacts on federal endangered and threatened species potentially occurring in the project area.

The Bureau of Indian Affairs was contacted in regard to the possible presence of endangered species.

The State Historic Preservation Office has been notified about the project.

The USACE Regulatory Program has been contacted and has visited the site. From their initial assessment, an individual Section 404 permit to conduct the work would not be necessary.

6. PERSONS INVOLVED IN THE PREPARATION OF THIS DOCUMENT

This document was prepared by the following persons:

Alex Puglisi, Director

Pueblo of Sandia Environment Department
PO Box
Bernalillo, NM 87

Steven Albert, Sr. Scientist

Parametrix
6739 Academy Road, NE
Albuquerque, NM 87109

Chris Roberts, Environmental Technician

Parametrix
6739 Academy Road, NE
Albuquerque, NM 87109

Chad McKenna, Environmental Technician

Parametrix
6739 Academy Road, NE
Albuquerque, NM 87109

James Good, Natural Resources and Planning Program Manager

Parametrix
411 108th NE, Ste. 1800
Bellevue, WA 98004

7. REFERENCES

- Anderson, B.W., J. Disano, D.L. Brooks, and R.D. Ohmart. 1984. Mortality and Growth of Cottonwood on Dredge-soil. In R.E. Warner and K.M. Hendrix, California Riparian Systems: Ecology, Conservation, and Productive Management. University of California Press, Berkeley and Los Angeles, California. Pages 438-444.
- Bestgen, K.R. and S.P. Platania. 1991. Status and conservation of the Rio Grande silvery minnow (*Hybognathus amarus*). Southwestern Naturalist 36: 225-232.
- Busch, D.E. and S.D. Smith. 1993. Effects of Fire on Water and Salinity Relations of Riparian Woody Taxa. Oecologia, 94: 186-194.
- Buscher Soil and Environmental. 2003. Soil and Vegetation Inventories in the bosque at the Pueblo of Sandia, New Mexico. Technical Report prepared for the Pueblo of Sandia.
- Middle Rio Grande Endangered Species Act Collaborative Program Science Subcommittee. 2004. Restoration of Frequent, Deep, In-channel Perennial Pools as a Program Priority for the Survival and Recovery of Rio Grande Silvery Minnows. Middle Rio Grande Endangered Species Act Collaborative Program Science Subcommittee Concepts Paper, December 6, 2004.
- Smith S.D., D.A. Dvitt, A. Sala, J.R. Cleverly, and D.E. Busch. 1998. Water Relations of Riparian Plants from Warm Desert Regions. Wetlands V 18 (#4), pp. 687-696.
- Sogge, M.K., R.M. Marshall, S.J. Sferra, and T.J. Tibbitts. 1997. A Southwestern Willow Flycatcher Natural History Summary and Survey Protocol. U.S. Department of Interior Technical Report NPS/NAUCPRS/NRTR-97/12.
- Stuever, Mary C. 1997. Fire Induced Mortality of Rio Grande Cottonwood. Master's Thesis, Department of Biology, University of New Mexico, Albuquerque.
- Sublette, J.E., M.D. Hatch and M. Sublette. 1990. The fishes of New Mexico. University of New Mexico Press, Albuquerque. pp. 200-202.
- U.S. Fish and Wildlife Service. 2002. Final Recovery Plan for the Southwestern willow flycatcher (*Empidonax traillii extimus*). U.S. Fish and Wildlife Service, Southwest Region. Albuquerque, NM.
- U.S. Fish and Wildlife Service. 2007. Draft Revised Recovery Plan for the Rio Grande Silvery Minnow (*Hybognathus amarus*). U.S. Fish and Wildlife Service, Southwest Region. Albuquerque, NM.
- USFWS. 2003. Biological and Conference Opinions on the Effects of Actions Associated with the Programmatic Biological Assessment of Bureau of Reclamation's Water and River Maintenance Operations, Corps' Flood Control Operation, and Related Non-Federal Actions on the Middle Rio Grande, Albuquerque, New Mexico. Consultation Number 2-22-03-F-0129. March 17, 2003.
- Western Regional Climate Center. 2005. Website: <http://www.wrcc.dri.edu/summary/climsmnm.html>. Accessed on October 4, 2005.
- Williams, Jerry L. 1986. New Mexico in Maps. Second Ed. University of New Mexico Press. Albuquerque.